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| APPLICATION NO.                                            | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------------------------|-------------|-----------------------|---------------------|------------------|
| 10/829,371                                                 | 04/22/2004  | Glenn Robinson        | 31229-202841        | 7093             |
| 26694                                                      | 7590        | 04/14/2009            | EXAMINER            |                  |
| VENABLE LLP<br>P.O. BOX 34385<br>WASHINGTON, DC 20043-9998 |             | RAO, ANAND SHASHIKANT |                     |                  |
|                                                            |             | ART UNIT              |                     | PAPER NUMBER     |
|                                                            |             | 2621                  |                     |                  |
|                                                            |             | MAIL DATE             |                     | DELIVERY MODE    |
|                                                            |             | 04/14/2009            |                     | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/829,371             | ROBINSON ET AL.     |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Andy S. Rao            | 2621                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 January 2009.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .                                                        | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Request for Reconsideration***

1. Applicant's arguments filed with respect to claims 1-20 (amended) as filed on 1/26/09 have been fully considered but they are not persuasive.
2. The Applicant presents one argument contending the Examiner's pending rejections of claims 1-20 under 35 U.S.C. 102(b) as being anticipated by Kirsten (US Patent: 5,724,475), said rejections being set forth in the Office Action of 10/01/08. However, after careful consideration of the arguments presented and further scrutiny applied reference, the Examiner must respectfully disagree and maintain applicability of the Kirsten reference as the grounds of rejection against the amended claims 1-20.

After summarizing the Applicants steps to sufficiently address the previous pending rejections under 35 USC § 112, First Paragraph (Amendment of 1/26/09: page 7, lines 5-12), and under 35 USC § 101 (Amendment of 1/26/09: page 7, lines 13-18; page 8, lines 1-2), the Applicants argues in two parts that the Kirsten reference fails to address the "...storing *same* said audio/video data at a second, lower, spatial and/or temporal resolution for at least a *second, later*, time period..." (Amendment of 1/26/09: page 8, lines 4-9; page 9, lines 6-7) and bases two tiered argument on an interpretation of the applied reference (Amendment of 1/26/09: page 8, lines 10-21; page 9, lines 1-5 and 8-13). The Examiner respectfully disagrees. It is noted that the Applicant has already undermined the first part of the argument by discussing the second part of the argument. In particular, the Examiner notes that Applicants admit that Kirsten discloses the split level view of a high resolution view and an overall view of the same audio/video can be captured and stored (Amendment of 1/26/09: page 9, lines 6-12). That is by implementing this

split view processing, the same audio video data can be captured and stored (Kirsten: column 30, lines 20-40). Now we go the second part of the argument, that is the “...second, later, time period...” of the limitation. The Applicants argue that the split level processing cannot be staggered such that recording occurs a second later point. The Examiner notes that in the implementation of the split level image as in an entryway would appear to operate on a staggered or triggered manner and different from the interval used for the standard resolution image (Kirsten: column 30, lines 55-67; column 31, lines 21-45; column 32, lines 35-63). Accordingly, the Examiner maintains that the limitation would be met.

A detailed rejection follows below.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirsten (US Patent: 5,724,475).

Kirsten discloses a method of storing audio/video data (Kirsten: figures 12A-12B) comprises: capturing a plurality of audio/video data (Kirsten: column 10, lines 50-55); storing said audio/video data at a first spatial and/or temporal resolution for a first time period (Kirsten: column 10, lines 10-20); and storing same said audio/video data at a second, lower, spatial and/or

temporal resolution (Kirsten: column 30, lines 20-45) for at least a second, later, time period (Kirsten: column 30, lines 55-67; column 31, lines 20-47), as in claim 1.

Regarding claims 2-3, Kirsten discloses in which the first/second spatial resolution is a number of bits/pixels per frame of video data (Kirsten: column 30, lines 10-23), as in the claims.

Regarding claims 4-5, Kirsten discloses removing first selected audio/video data from said audio/video data stored at said first spatial resolution and/or temporal resolution to achieve said second spatial and/or temporal resolution (Kirsten: column 30, lines 45-55), as in the claims.

Regarding claims 6-7, Kirsten discloses a step of storing said audio/video at a third, still lower, spatial and/or temporal resolution for at least a third (Kirsten: column 30 lines 50-55), still later, time period, (Kirsten: column 28, lines 58-67), as in the claims.

Regarding claim 8, Kirsten discloses in which said selected audio video data frames of audio/video frames of a second specified type of frame (Kirsten: column 34, lines 64-65), as in the claim

Regarding claim 9, Kirsten discloses in which third of subsequent selected audio/video data is removed from said audio/video data of said second of subsequent spatial and/or temporal resolution (Kirsten: column 34, lines 60-63), as in the claim

Regarding claims 10, Kirsten discloses in which the audio/video data is stored in an MPEG or MJPEG format (Kirsten: column 12, lines 65-67; column 13, lines 1-10), as in the claim.

Regarding claims 11-13, Kirsten discloses wherein said first selected audio/video data are preferably B-frames, and which said second selected audio/video data are P-frames (Kirsten:

column 34, lines 63-65), and in which said third selected audio/video data is a plurality of I-frames of the audio/video data (Kirsten: column 34, lines 60-63), as in the claims 14.

Regarding claim 14, Kirsten discloses in which the first time period is approximately 0.5 to 2 days in length (Kirsten: column 16, lines 10-15), as in the claim.

Regarding claim 15, Kirsten discloses in which the second time period is approximately 5 to 10 days in length (Kirsten: column 28, lines 60-67), as in the claim.

Kirsten discloses a system for storing audio/video data (Kirsten: figure 22) comprises: at least one audio/video data capture means (Kirsten: column 10, lines 50-55); audio/video data storage means (Kirsten: column 10, lines 10-20); and control means (Kirsten: column 17, lines 15-25); wherein the system is operable to capture audio/video data and store said audio/video data at a first spatial and/or temporal resolution for a first time period (Kirsten: column 15, lines 10-25) and is operable to store same said audio/video data at a second, lower, spatial and/or temporal resolution (Kirsten: column 30, lines 20-45) for at least a second, later, time period (Kirsten: column 30, lines 55-67; column 31, lines 20-47), as in claim 16.

Regarding claim 17, Kirsten discloses in which the control means is operable to remove first selected audio/video data from said audio/video data stored at said first spatial and/or temporal resolution to achieve said second spatial and/or temporal resolution (Kirsten: column 30, lines 10-40), as in the claim.

Regarding claim 18, Kirsten discloses a computer programmed to perform the method (Kirsten: column 9, lines 65-67; column 10, lines 1-7), as in the claim.

Regarding claim 19, Kirsten discloses a computer readable medium comprising software, which when executed by the computer, causes the computer to perform the method (Kirsten: column 11, lines 35-45), as in the claim.

Regarding claim 20, Kirsten discloses a system for capturing audio/video data comprises audio/video data capture means, storage means and control means, wherein the system is operable to perform the method (Kirsten: figure 22), as in the claim.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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April 12, 2009